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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,831	01/20/2004	Kevin E. Wolter	KW04.001	4060

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,831

Applicant(s)

WOLTER ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the removable rigid bottom with wheels in claim 8, the runner in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 8 is objected to. Claims 7 and 8 are substantially duplicate.

3. Claim 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the removable rigid bottom having wheels are made.

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4. Claim 1, 13, 16, 17, and 20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Shaw (5423404). Shaw teaches a device having a core storage area, a compartment for storing coaching boards 14, a second storage area having a panel with storage means at panel 28, a removable and a third storage area having a panel with storage means 50, and a business folder area having a plurality of compartments (62, 60, 40).

Regarding claim 13, note the exterior transparent pocket 52.

Portions 54 can be either the feet for runners as claimed.

5. Claims 2-4, and 6-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shaw in view of Domke (4260004). It would have been obvious for one of ordinary skill in the art to provide lattice insert to enable one to organize easily.

Regarding claims 6-7, note the bottom 20

6. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Shaw in view of Hickler (2581763). It would have been obvious for one of ordinary skill in the art to make bottom from water resistant surface, e.g., polyvinyl, as taught by Hickler to provide the desired material for the device.

7. Claims 6-8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shaw in view of Sullivan (2716558) or Bergman (5109961). It would have been obvious for one of ordinary skill in the art to provide a removable bottom with wheels to enable to stiffen the bottom and to transport the bag easily.

8. Claim 9 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Shaw in view of Redzisz (6612434) or Siwak (20010042665). It would have been obvious for one of ordinary

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skill in the art to provide mesh pocket on the outside as taught by Redzisz or Siwak to enable one to store additional contents and to know the inside contents.

9. Claims 10-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shaw in view Goldberg (676310) or Kelly, Sr. et al. (5863088). It would have been obvious for one of ordinary skill in the art to provide straps as taught by Goldberg or Kelly to hold elongated or additional articles. Note the recitation in claim 12 is recitation of intended use.

10. Claim 2-4, and 14-15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shaw in view of Mastronardo (4842032).

Regarding claim 2-4, it would have been obvious for one of ordinary skill in the art to provide lattice insert to enable one to organize easily.

Regarding claim 14, it would have been obvious for one of ordinary skill in the art to provide releasable and adjustable shoulder strap to enable one to carry the bag easily.

11. Claim 18 is rejected under 35 U.S.C. 103 (a) as being unpatentable over in view of either Redzisz (6874624) or Wien (6213670). Shaw teaches the pockets. It would have been obvious for one of ordinary skill in the art to provide elastic loops to enable one to hold the item securely. With respect to the mesh pocket, it would have been obvious for one of ordinary skill in the art to provide a mesh pocket as taught by Redzisz, see figures, or Wien (col. 4, ln. 4, ln. 26) to enable one to see the inside contents.

12. Claim 19 is rejected under 35 U.S.C. 103 (a) as being unpatentable over in view of Lovett (20030201292). Shaw teaches the pockets. It would have been obvious for one of ordinary skill in the art to provide elastic loops to enable one to hold the item securely. With respect to the key

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holder, it would have been obvious for one of ordinary skill in the art to provide a spring clip for holding a key in Shaw as taught by Lovett, note portion 60) to enable one to store the keys.

13. Claims 1, and 16 are rejected under 35 U.S.C. 102 (b) as being anticipated by Carp (3963102). Carp teaches a core storage area 35, a compartment for storing coaching board 37, a second storage area having the three panels 125, 153, 189, a business folder area 53 having two compartments capable to store a business folder as claimed. The claims do not exclude the various storage areas being independent from each other.

14. Claim 18 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Carp in view of either Redzisz or Wien. It would have been obvious for one of ordinary skill in the art to provide a mesh pocket in one of the storage areas in fig. 10 to enable one to see the inside contents.

15. Claim 19 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Carp in view of Lovett (20030201292). With respect to the key holder, it would have been obvious for one of ordinary skill in the art to provide a spring clip for holding a key in Carp as taught by Lovett, note portion 60) to enable one to store the keys.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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T.M.